

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

ANTWON M. COOK,)
Petitioner,) Case No. 1:16-CV-398
v.) Judge Travis R. McDonough
DAVID J. EBBERT, Warden, and)
HERBERT H. SLATERY, III, Attorney)
General for the State of Tennessee,¹,)
Respondents.) Magistrate Judge Susan K. Lee

MEMORANDUM AND ORDER

Acting pro se, Antwon M. Cook, a federal prisoner, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 1.) Petitioner challenges his 2006 Bradley County, Tennessee, convictions for cocaine-related offenses, for which he received a sentence of eight years' imprisonment. (*Id.* at 1.) The Clerk is **DIRECTED** to add the Attorney General for The State of Tennessee, Herbert H. Slatery, III, as a respondent and to serve copies of the petition and this Memorandum and Order on both Respondents.

Since it does not plainly appear from the face of the petition that it should be summarily dismissed, Respondent Slatery is **ORDERED** to answer or otherwise respond to the petition within thirty (30) days from the date of this Order. Rule 4, Rules Governing Section 2254 Cases In The United States District Courts. Respondent Slatery should specifically address whether the

¹ Because Petitioner is confined in a federal prison pursuant to a federal conviction and because he is attacking state court convictions which seemingly will cause him to be kept in custody in the future, the correct respondents are the Warden of the federal prison and the attorney general of the state whose actions subjects Petitioner to future custody. *See* Rule 2(b) of the Rules Governing § 2254 Cases, advisory committee's notes, 1976 adoption.

habeas corpus petition was timely filed and whether Petitioner has exhausted his available state court remedies. 28 U.S.C. §§ 2244(d), 2254(b).

Although a reply is not necessary, if Petitioner wishes to file a reply, he **SHALL** file that reply within thirty (30) days from the date Respondent files his answer with the Court. Rule 5(e), Rules Governing Section 2254 Proceedings In The United States District Courts. Any reply should not exceed twenty-five pages; must directly reply to the points and authorities in the Warden's answer; and must not be used to reargue the points and authorities included in the petition or to present any new issues. *See* E.D. Tenn. L.R. 7.1(b) and (c).

SO ORDERED.

/s/ *Travis R. McDonough*

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**